

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jeff Fries et al.

Art Unit 3661

Serial No. 10/743,591

Filed December 22, 2003

Confirmation No. 7577

For DIGITAL TRAIN SYSTEM FOR AUTOMATICALLY DETECTING TRAINS  
APPROACHING A CROSSING

Examiner: Thu V. Nguyen

February 15, 2007

**APPLICATION FOR PATENT TERM ADJUSTMENT**

TO THE COMMISSIONER FOR PATENTS

SIR:

In accordance with 37 CFR § 1.705(b), Applicants request reconsideration of the patent term adjustment indicated in the Notice of Allowance. Applicants believe that the patent term adjustment should be longer.

The Office indicated in the Notice of Allowance that Applicants are entitled to a term adjustment of 343 days based on 343 days of delay attributed to the Office, with no offset due to delay attributed to the Applicants. Based on the following, Applicants believe that the actual delay attributed to the Office should be 350 days, and therefore, the proper term adjustment for this application is 350 days.

Applicants filed the application on December 22, 2003, and the first Office action was mailed on January 31, 2006 resulting in 343 days of delay attributable to the Office under 37 CFR § 1.702(a)(1) and 37 CFR § 1.703(a)(1). Additionally, the Notice of Allowance was mailed on December 29, 2006 which was 3 years and 7 days after the filing date of the application, resulting in 7 days of delay attributable to the Office under 37 CFR § 1.702(b) and 37 CFR 1.703(b). None of the limitations of 37 CFR § 1.702(b)(1)-(3) or 37 CFR § 1.703(b)(1)-(3) apply to the prosecution of the present application. The present application is not subject to a terminal disclaimer, nor were there any circumstances during the prosecution that constitute a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 CFR § 1.704. Thus, Applicants respectfully submit that under 37 CFR § 1.703(f), the proper patent term adjustment is 350 days, the sum of the above adjustments.

The Commissioner is hereby authorized to charge the \$200 fee due under 37 CFR 1.18(c) to Deposit Account No. 07-0846. Applicants do not believe that any additional fees are due in connection with this request for patent term adjustment. If, however, the Commissioner determines that an additional fee is due, he is authorized to charge Deposit Account No. 07-0846.

Respectfully submitted,

/Frank R. Agovino/

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